

Reemployment of PERS-Retired Staff

1. Current District Employees

- a. In the event that a district employee retires and begins receiving benefits from the Public Employees Retirement System (PERS) prior to the end of the school year, he/she may be retained by the district in his/her current position or another position as deemed appropriate by the district until the end of the school year subject to the provisions of ORS 238.082 and the provisions of any applicable collective bargaining agreement.
- b. All requests for continued employment by the district must be submitted in writing to the superintendent no later than 60 calendar days before the end of the school year in which the individual has retired from PERS. Requests will be considered based on the following criteria:
 - (1) Need. The individual must be licensed and have experience in a specialty area such as special education, math, science, music, Title I, English as a Second Language, English Language Learners, Non-English Proficient Students or other such areas of identified district shortage of qualified teachers or other district need. Classified personnel must have specific training or skills in an area of identified shortage as determined by the district¹;
 - (2) Evaluation. The individual must have satisfactory performance evaluations. An individual who has been on a program of assistance for improvement or with written directives or written reprimands within the past five years will not be considered for retention by the district;
 - (3) Length of Service. The individual must have been employed by the district a minimum of 5 years prior to retirement.
- c. An employee's change in PERS status, from PERS member to PERS retiree, shall be considered a resignation and shall constitute a break in service. An employee's seniority shall start at the point of new re-hire date.
- d. Decisions to retain the individual in his/her current position will be made by the superintendent. The individual will not be required to submit to established district application and interview procedures. Decisions to retain the individual in a position other than the individual's current position, such as a new position or another vacant position will be made by

¹The period or periods of employment by one or more public employers of any person receiving a service retirement allowance shall not total 1,040 hours or more in any calendar year; but if the person is receiving old-age, survivors or disability insurance benefits under the federal Social Security Act, the person may be employed for the number of hours for which the salary equals the maximum allowed for receipt of the full amount of those benefits to which the person is entitled. The limitations on employment imposed above do not apply to a retired member who has attained normal retirement age and who is employed as a teacher or as an administrator, as those terms are defined in ORS 342.120, if the retired member is employed by a school district or education service district that has its administrative office located within a county with a population of not more than 35,000 inhabitants according to the latest federal decennial census.

the Board. The individual may be required to submit to established district application and interview procedures for such positions, as determined by the Board.

- e. A retired member who is employed as a classified employee or teacher, as defined by ORS 342.120, will remain in the same collective bargaining unit that included the member before retirement, unless retirees are specifically excluded from the collective bargaining agreement.
- f. Salary, benefits, and length of contract for early retirees who are excluded from the bargaining unit will be determined by the Board.
- g. Employees who retire during the school year shall not serve past June 30. Decisions on continued employment past that date will be made by the Board on a case-by-case basis.
- h. The maximum hours of work performed by a classified employee shall not exceed 1039 hours.
- i. The district will immediately submit an Employment of PERS Retiree form to the PERS office as required by law.

2. Former District Employees

A district employee who retired and left district employment may apply for a subsequent vacancy with the district under the same application and interview procedures as all other applicants for district employment.

END OF POLICY

Legal Reference(s):

[ORS Chapter 237](#)

[ORS Chapter 238](#)

[ORS 243.303](#)

[ORS 342.120](#)

Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. §§ 1161-1169 (2006).

Employee Retirement Income Security Act of 1974, 29 U.S. C. §§ 1001-1461.

OR. CONST., art. IX, §§ 10-13.